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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,265	02/25/2004	Marc A. Pedmo	03-219	2500

7590 09/09/2005
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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/786,265

Applicant(s)

PEDMO ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all of the shapes in cl. 30 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 27-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"upper panels having a central region". it seems that each of the upper panels has a central region.

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Portion 140 in Fig. 7 does not look like a channel-like structure at all. Portion 140 is not bounded by two banks.

Regarding claim 37, “the edges of a sidewall section” has no antecedent basis. It is unclear what comprises these edges.

Claims 38, 39 are inconsistent. Claim 27 recites at least one lower panel having a boundary being depressed. However, claim 38 recites that the panel to separate into side by side panel portions. Claim 38 is inconsistent with claim 27 for having a depressed boundary any longer since there are two panels and each panel having a distinctive boundary on its own.

3. Claims 27-40, 42, 43, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Krishnakumar et al. (5279433). Krishnakumar teaches a container having a sidewall, an upper neck portion. The sidewall has a lower portion (below line 12 in Fig. 10), and an upper portion (above line 12) wherein the lower sidewall portion having at least one lower panel having a central region and an outer boundary being depressed (at portion 260) with the depressed outer boundary having side, top, and bottom portions as claimed. The sidewall has opposed sidewall sections (it is noted that the term sections is broad, note the two sections 251 in Fig. 11). The upper sidewall portion including a plurality of spaced upper panels

Regarding claim 34, note the two curved portions at the corners.

Regarding claim 38, any adjacent two panel would meet the claimed limitations as claimed.

Regarding claim 39, there is a vertical land at 262.

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Regarding claim 42, noted there is a central sidewall portion (the space pointed by the line 12 in Fig. 10. It is noted that there is a depressed portion along lines 258, 264 in Fig. 11. The claim does not require the depression to be circumferential.

Regarding claim 43, portions 256 in Fig. 11 are the outwardly extending vertical columns on both sides.

Regarding claim 45, the raised area at 266 is considered round as claimed. In the very least it is rounded at the corners.

4. Claims 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnakumar '433 in view of either Collette et al. (4863046) or Krishnakumar et al. (4108324). It would have been obvious to one of ordinary skill in the art to provide a recess base with a plurality of extending struts as taught by either Collette or Krishnakumar '324 to provide the desired bottom for supporting the bottle.

5. Claims 27-30, 32-37, and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa (6513669). Ozawa teaches a container having a sidewall with teaches a container having a sidewall, an upper neck portion. The sidewall has a lower portion, and an upper portion as shown in Fig. 6 wherein the lower sidewall portion having at least one lower panel having a central region and an outer boundary being depressed (at portion c in Fig. 7) with the depressed outer boundary having side, top, and bottom portions as claimed. The sidewall has opposed sidewall sections. The upper sidewall portion including a plurality of spaced upper panels.

It is noted two adjacent sides in Fig. 7 constitutes a sidewall section as claimed.

Regarding claim 43, the corner portions (at portion 10a-10d) are the vertical columns as claimed.

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6. Claims 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of either Collette et al. (4863046) or Krishnakumar et al. (4108324). It would have been obvious to one of ordinary skill in the art to provide a recess base with a plurality of extending struts as taught by either Collette or Krishnakumar '324 to provide the desired bottom for supporting the bottle.

7. Applicant's arguments have been fully considered but they are not persuasive. The amended claims do not read over the Krishnakumar 433 reference as set forth above.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
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